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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,926	12/12/2000	Kiyomi Sakamoto	2000 1699A	3794

7590 01/30/2007  
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Washington, DC 20006

EXAMINER
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SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 08/733,926	Applicant(s) SAKAMOTO ET AL	
	Examiner Steven P. Sax	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/15/06.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 18-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This application has been examined. The amendment filed 3/15/06 has been received.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Emens et al (6463343).

4. Regarding claim 1, Emens et al show a command control device (abstract, Figure 2A, column 2 lines 1-7), including: an input section operable to provide an instruction based on input received from user (column 1 lines 55-65, column 2 lines 1-15 and 55-64), an output section operable to output a display screen that presents information to the user (column 2 lines 60-67, column 3 lines 1-11, column 4 lines 15-29), an image capture section operable to capture from the display screen a display

image that is to correspond to a particular command from the display screen (column 3 lines 25-45), a command control information generator operable to generate command control information including regarding the captured image and particular command (column 4 lines 20-35 and 47-62), a command control information storage operable to store the information (column 4 lines 60-67), a command presenter for making the output section present the captured image on the display screen based on the command control information stored so that the user can select via the input section the captured display image that correspond to the particular command (column 6 lines 5-15 and 25-55), and a command selector operable to execute the particular command when the user selects the captured display image that the command presenter causes the output section to present based on the stored command control information (column 6 lines 30-45).

5. Regarding claim 2, the image capture section captures the image of an area selected by the user from the screen according to the instruction (column 4 lines 40-50).

6. Regarding claim 3, the image capture section automatically captures all or part of the display screen according to prescribed conditions while an application corresponding to the command is executed (column 4 lines 45-60).

7. Regarding claim 4, the conditions are based either on number of executions of the command (column 6 lines 5-15 and 30-43).

8. Regarding claim 5, the image is a moving picture varying with time (column 7 lines 10-15, column 5 lines 15-25).

9. Regarding claim 6, the system has a communication section for connecting to the Internet and an image is presented as a bookmark of a browser for presenting information communicated (column 7 lines 20-45).

10. Regarding claim 7, the image is a moving picture varying with time (column 7 lines 10-15, column 5 lines 15-25).

11. Regarding claim 8, image and a text list are used as bookmarks (column 7 lines 40-58).

12. Claims 9-16 show the same features as 1-8 respectively and are rejected for the same reasons.

13. Claim 17 shows the same features as claim 9 and is rejected for the same reasons.

14. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant's description of the invention is noted. The key point in applicant's attempt to distinguish the claimed invention (as exemplified through claim 1) over Emens, is that in applicant's invention it is the command itself which is the captured image per se, whereas in Emens the captured image itself is of a device or object to be acted upon, and that this captured image then corresponds to a set of commands. Note though that whether this distinction is correct or not, this is nevertheless not brought out in applicant's claims; the amendments in claim 1 (which is the example claim addressed in applicant's arguments) do not make this concept clear. For example, reciting "an image capture section operable to capture from the display screen a display image that is to correspond to a particular command" still shows that the captured image is *corresponding* to commands. In Emens, the image is captured from the display screen (it is displayed on the display screen and through the display screen is how it is selected and captured) and is made to then correspond to commands. Moreso, in Emens a particular command is selected and thus the captured image is to correspond to a particular command. Applicant is invited to contact Examiner to discuss claim interpretation and possible claim language suggestions.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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